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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,406	06/19/2001	Eiichi Okazaki	7378/71294	1315
22242	7590	06/01/2004	EXAMINER	
FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			MCCLENDON, SANZA L	
			ART UNIT	PAPER NUMBER
			1711	

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/883,406

Applicant(s)

OKAZAKI ET AL.

Examiner

Sanza L McClendon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-15 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-15 and 20-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Response to Amendment

1. In response to the Amendment received on July 25, 2003, the examiner has carefully considered the amendments. The examiner acknowledges the cancellation of claims 8-9 and 16-19.

Response to Arguments

2. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

3. The indicated allowability of claims 4, 6-7, 10-15, 22 and 24 is withdrawn in view of the newly discovered reference(s) to Thepot et al (WO 98/11152). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7, 10-15 and 20-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Thepot et al (WO 98/11152).

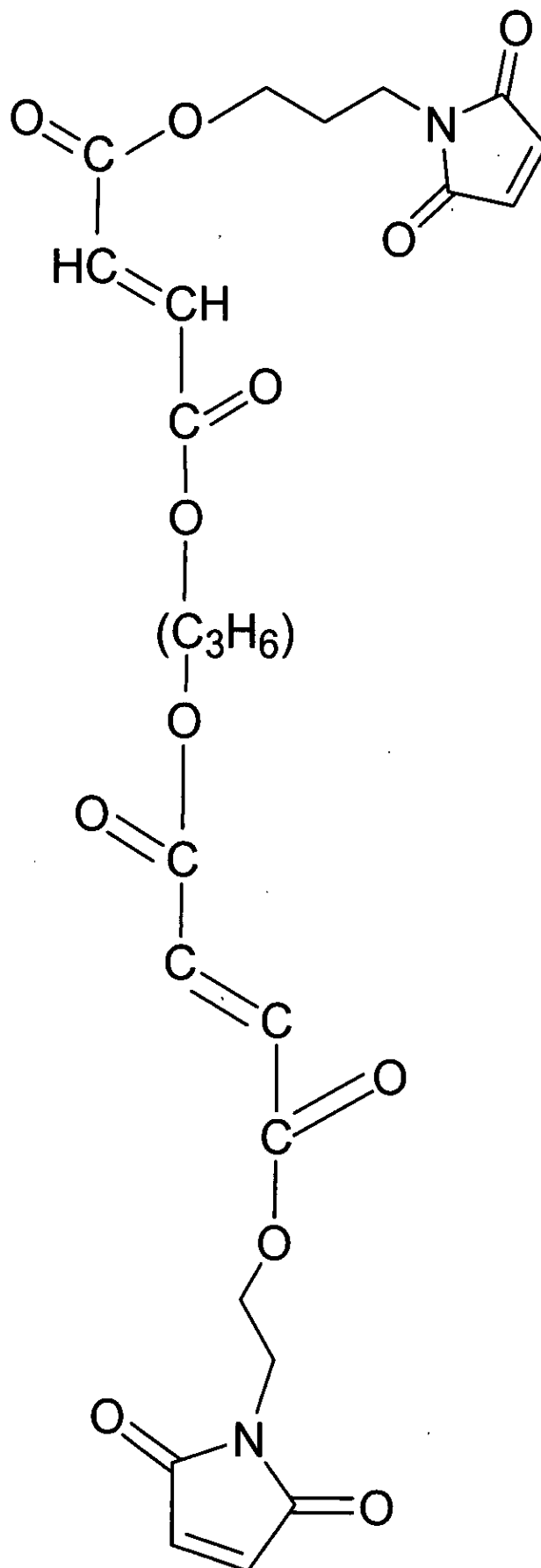
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Note: The basis of this rejection is from an abstract and classification of WO 98/11152 from STN database because the primary language of the reference is French, which is being translated. Once translated a copy will be sent to applicant.

Thepot et al teaches coating compositions polymerizable and/or crosslinkable by ultraviolet radiation or visible light. Said coating composition comprises at least prepolymer containing olefinic double bonds depleted of electrons and compound containing olefinic double bonds enriched with electrons. Said prepolymer appears to contain maleimide groups and ethylenically unsaturated bonds, wherein it is taught the molecular weight is 500 to 3000. Said composition can comprises additional components such as reactive diluents, such as hexandiol diacrylate, see page 22 of WO 98/11152, photoinitiators, photosensitizers, pigments, solvents and other customary additives. Said coating compositions as defined by Thepot et al can be useful for coating substrates, such as wood, metal, plastic and paper—see page 24 of WO 98/11152, and is curable by ultraviolet or visible light. Thepot et al teaches said composition can be in the form of aqueous dispersions or aqueous emulsion—see page 23, lines 20-22.

The structure of said prepolymer, as understood from the STN classification, is:

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Wherein said prepolymer contains maleimide groups and ethylenically unsaturated groups having a molecular weight from 500 to 5000—see page 11 lines 4-5 of WO 98/11152. This appears to anticipate claims 1-3 and 26, and the carboxyl groups within said prepolymer anticipates claims 12-13. The addition of said reactive diluent anticipates claims 4-7. The teachings of using said composition in the form of an aqueous emulsion or dispersions anticipates claims 10-11 and 14-15. Coating substrates with said compositions, especially wood substrates, and curing by ultraviolet radiation or visible light to form a coating anticipates claims 20-23 and 25. When a pigment is added, claim 24 is anticipated. The inventions of claims 1-7, 10-15 and 20-26 are deemed to be anticipated by the reference.

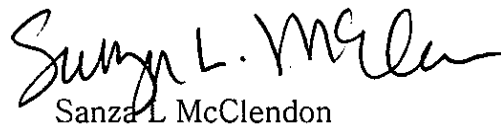
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L McClendon whose telephone number is (571) 272-1074. The examiner can normally be reached on Monday through Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sanza L. McClendon

Examiner

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